

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday November 20, 2017 at 11:00 a.m.
Indiana Government Center-South, Room W064
402 West Washington Street
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Weisheit called the meeting to order at 1:00 p.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

Diane Weisheit, President
Victoria Ross
Diana Bonn
Gregory Kenny
Rebecca Bushong

Board Members Absent:

Gary Odell

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Jennifer Broadbent, Assistant Director, Indiana Professional Licensing Agency
Jodi Stein, Board Advisory Counsel, Office of the Attorney General

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

Bushong/Ross
5/0/0
Motion carried.

ADOPTION OF THE MINUTES OF THE SEPTEMBER 18, 2017 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the September 18, 2017 meeting.

Bonn/Ross
5/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report provided.

ADMINISTRATIVE HEARINGS:

1. Administrative Hearing in the Matter of Ann's Nails, BS91400461 & Yen Bach Nguyen, MA20402300, 2017SBCBE0103

A motion was made and seconded to find Respondents in violation of 14 counts.

Bonn/Ross
5/0/0
Motion carried.

A motion was made and seconded to place the licenses on indefinite probation with no right to petition for removal for one year, impose a fine of \$1000 for each of the 14 violations for a total of \$14,000 to be paid within one year, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, and impose the cost of the proceedings due to the testimony of Respondent going in circles and admitting to the violations.

Weisheit/Bonn
5/0/0
Motion carried.

2. Administrative Hearing in the Matter of Studio Nail & Salon Spa, MS31100103 & Chris B. Ly, MA21100050, 2017SBCBE0104

A motion was made and seconded to find Respondent Studio Nail & Salon Spa in violation of 13 counts and Respondent Chris B. Ly in violation of 1 count.

Bonn/Bushong
5/0/0
Motion carried.

A motion was made and seconded to place the licenses on indefinite probation with no right to petition for removal for one year, impose a fine of \$500 for each of the 2 violations regarding drain covers because they were similar and \$1000 each for 11 violations for a total of \$12,000 for Respondent Studio Nail & Spa to be paid within one year, impose a fine of \$1000 for 1 violations for Respondent Chris B. Ly to be paid within one year, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, and impose the cost of the proceedings.

Bonn/Ross
5/0/0
Motion carried.

3. Administrative Hearing in the Matter of Sassy Nail & Spa, BS91400745 & Amy Uyen Ha, BC20908381, 2017SBCBE0106

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
5/0/0
Motion carried.

4. Administrative Hearing in the Matter of A Cut Above, BS89000764 & Rebecca Sue Fry, BC08606072, 2017SBCBE0107

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
5/0/0
Motion carried.

5. Administrative Hearing in the Matter of Dennis Gooch, BA10500053, 2014SBCBE0106A

A motion was made and seconded to find Respondent in Default.

Bonn/Bushong
5/0/0
Motion carried.

A motion was made and seconded Respondent is in violation of 6 counts.

Bonn/Ross
5/0/0
Motion carried.

A motion was made and seconded to revoke the license indicating aggravating circumstances regarding his criminal convictions, his behavior with law enforcement and his statement to law enforcement per State's Exhibit E that he is operating a barber shop and that no judge, city attorney, or any other individual for that matter was going to stop him from cutting hair. It was further moved to impose a fine of \$1000 per violation for a total of \$6000 to be paid within one year.

Bonn/Ross
5/0/0
Motion carried.

A motion was made and seconded to refer the matter of unlicensed practice of Diamond Barber Shop to the Office of the Attorney General.

Bonn/Ross
5/0/0
Motion carried.

6. Administrative Hearing in the Matter of Diep Hong Vu, BC21400262, 2016SBCBE0151 & Kim Dung Thi Pham, BC21400067, 2016SBCBE0155 (Both hearings combined because the facts are the same.)

A motion was made and seconded to issue a Notices of Default.

Bonn/Bushong
5/0/0
Motion carried.

A motion was made and seconded to rescind the licenses because they were fraudulently obtained.

Bonn/Bushong
5/0/0
Motion carried.

7. Administrative Show Cause Hearing in the Matter of Devin Mosley, BC29900664, 2016SBCBE0074

Respondent testified that he did not comply with the Final Order in protest. He would now like to comply and get the appropriate licenses.

A motion was made and seconded that he is in violation of 4 counts, he must pay what he previously owes per the Findings of Fact, Conclusions of Law, and Order of December 13, 2016, impose an additional \$50 fine for failure to comply with the aforementioned Order with all being due within thirty (30) days, and require that he renew his cosmetology license and license his salon(s).

Bushong/Ross
5/0/0
Motion carried.

8. Administrative Show Cause Hearing in the Matter of ABC Beauty College, SC49000002, Willie Haynes, BA00164745, and Lavitia Haynes, BC02296106, 2016SBCBE0068

A motion was made and seconded to find Respondents in violation of 3 causes. It was further moved regarding Respondent ABC Beauty College to impose a fine of \$1000 for the failed inspection to be paid within three (3) months, for Respondent Willie Haynes and Lavitia Haynes, impose a fine of \$25 each to be paid within three (3) months, and impose the \$5.00 fee

to the health records and personal identifying information protection trust fund, and the costs of the proceedings.

Bushong/Bonn
5/0/0
Motion carried.

9. Administrative Show Cause Hearing in the Matter of USA Nails, MS31200013, 2011SBCBE0101 & 102

A motion was made and seconded to find the salon in violation of one count, place the license on indefinite probation with no right to petition for removal for a period of one (1) year, impose a fine of \$1000 to be paid within six (6) months, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, and the costs of the proceedings.

Bonn/Bushong
5/0/0
Motion carried.

10. Administrative Hearing to Modify Probation in the Matter of Michael Paige, BA10800108 & BI10900074, 2012SBCBE0101

A motion was made and seconded to remove probation.

Bonn/Ross
5/0/0
Motion carried.

11. Administrative Hearing to Modify Probation in the Matter of Rebecca Jones-Nelson, BC20600173, 2014SBCBE0016

A motion was made and seconded to remove probation.

Bonn/Bushong
5/0/0
Motion carried.

12. Administrative Hearing to Modify Probation in the Matter of Alyssa A. Stillions, BC20806722, 2015SBCBE0148

A motion was made and seconded to remove probation.

Bonn/Ross
5/0/0
Motion carried.

13. Administrative Hearing to Modify Probation in the Matter of Erica Whorl, BC21601010, 2016SBCBE0087

A motion was made and seconded to remove probation.

Bonn/Bushong
5/0/0
Motion carried.

14. Administrative Hearing to Modify Probation in the Matter of Maureen Mosher, ES21600104, 2016SBCBE0035, Desiree Johnson, BC21102036, 2016SBCBE0182, and Justina Trinette Coleman, BC21302360, 2013SBCBE0123

A motion was made and seconded to issue a Notice of Proposed Dismissals.

Bonn/Bushong
5/0/0
Motion carried.

CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

1. Kenyatta Renore Davis, BC29900645 & Legacy Salon and Day Spa, BS31200044, 2017SBCBE0056

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law, and And Order

Bushong/Ross
5/0/0
Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR LICENSE RENEWAL

1. Ricky Allen, BA11300146

A motion was made and seconded to deny the application for renewal for failure to appear.

Bonn/Ross
5/0/0
Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR LICENSE REINSTATEMENT

1. Andrea Beck, BC21401394

A motion was made and seconded to approve reinstatement on indefinite probation with no right to petition for removal until criminal obligation is complete.

Ross/Bushong
5/0/0
Motion carried.

2. Christian Byrom, BA11400047

A motion was made and seconded to approve reinstatement on indefinite probation with no right to petition for removal until criminal obligation is complete.

Ross/Bushong
5/0/0
Motion carried.

3. Pharabe Conrad, BC20101688

A motion was made and seconded to deny for failure to appear.

Bushong/Ross
5/0/0
Motion carried.

4. Danny Crossley, BA11000005 & BI11100004

A motion was made and seconded to approve reinstatement.

Kenny/Bushong
5/0/0
Motion carried.

5. Lauren Johnson, BC21301499

A motion was made and seconded to approve reinstatement.

Ross/Bushong
5/0/0
Motion carried.

6. Dzung Nguyen, MA29800299

A motion was made and seconded to deny the application for renewal due to failure to comply with the Final Order of October 3, 2016, SBCBE 15-155.

Ross/Bonn
5/0/0
Motion carried.

7. Teena Tyner, BC20807008

A motion was made and seconded to approve reinstatement.

Ross/Bushong
5/0/0
Motion carried.

8. Tanisha Williams, BC20807008

A motion was made and seconded to reinstate after passing the examination.

Ross/Bushong
5/0/0
Motion carried.

9. Meranda Wolfe, BC21101750

A motion was made and seconded to deny for failure to appear.

Bushong/Ross
5/0/0
Motion carried.

10. Alfonzo Sanders, BC29701984

A motion was made and seconded to approve reinstatement on indefinite probation with no right to petition for removal until criminal obligation is complete.

Ross/Bushong
5/0/0
Motion carried.

CONSIDERATION OF APPLICATION FOR WAIVER OF THREE YEAR DEADLINE TO PASS THE EXAMINATION AFTER GRADUATION

1. Karen Ann Mink

A motion was made and seconded to approve waiver and allow one (1) year to pass the examination.

Bonn/Bushong
5/0/0
Motion carried.

2. Cierra Isabel

A motion was made and seconded to approve waiver and allow one (1) year to pass the examination.

Bonn/Bushong
5/0/0
Motion carried.

3. Elisha Ellis

A motion was made and seconded to approve waiver and allow six (6) months to pass the examination.

Bushong/Kenny
4/1/0
Motion carried.

4. Daja Jacks

A motion was made and seconded to deny the request due to lack of good cause.

Bonn/Ross
5/0/0
Motion carried.

CONSIDERATION OF APPLICATION FOR RENEWAL; NON-PAYMENT OF RENEWAL FEE

1. Lavonne Ray, BC02102438

A motion was made and seconded to void the renewal.

Bonn/Bushong
5/0/0
Motion carried.

CONSIDERATION OF APPLICATIONS FOR LICENSURE; NON-PAYMENT OF LICENSE FEE

1. Absolute Tan, TB51700033

A motion was made and seconded to void the license.

Bonn/Bushong
5/0/0
Motion carried.

CONSIDERATION OF UNTIMELY PETITIONS FOR REVIEW

1. Hoan Nguyen

A motion was made and seconded to deny the petition for review for untimely filing.

Bonn/Ross
5/0/0
Motion carried.

2. Dung Nguyen

A motion was made and seconded to deny the petition for review for untimely filing.

Bonn/Ross
5/0/0
Motion carried.

CONSIDERATION OF APPOINTMENT OF A RULES COMMITTEE

The matter was tabled.

COMMITTEE REPORTS

A. Application Committee

A motion was made and seconded to accept the application committee report as follows.

Ross/Bushong
5/0/0
Motion carried.

COSMETOLOGY

A. By Examination

Borgerding, Tonya Lee: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Dodrill, Misty Dawn: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Finott, Octavia Gail: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Hamilton, Dorothy: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Jenkins, Christina: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Roseberry, Sarah: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Schupp, Molly Marie: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Sharpe, Kyla: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Stuckey, Angela K.: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. Reciprocity

Cyrus, Joiya Patrice: APPROVED.

Derengowski-Gregory, Chantel Marie: Denied, IC 25-8-4-2(a)(1), no valid license.

Hansen, Kristen Lynn: Denied, IC 25-8-4-2(a)(1), no valid license.

Nguyen, Dan Quynh: Tabled, pending personal appearance in regards to litigation in another state.

Nguyen, Frank: Denied, IC 25-8-4-2(a)(1) & IC 25-1-11-5(b), no valid license and possible fraud.

C. By Provisional

Mata Posada, Sandra M: Denied, IC 25-8-4-2.9, insufficient training and experience.

Patel, Sejalben: Denied, IC 25-8-4-2.9, insufficient training and experience.

Roy, Niyati: Denied, IC 25-8-4-2.9, insufficient training and experience.

Thompson, Ketherine: APPROVED.

ESTHETICIAN

A. By Examination

Gillaspy, Brianna: Denied, IC 25-1-11-19(b), unlicensed practice.

Haymaker, Kerry Lee: APPROVED.

Westmoreland, Tracey: Tabled, pending litigation.

By Reciprocity

Bembeneck, Erin Elizabeth: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Hart, Susan: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Sharma, Aarti: APPROVED.

Tran, Jenny: Denied, IC 25-8-4-2(a)(1) and IC 25-8-4-2(a)(2), no valid license and not substantially equal.

MANICURIST

A. By Examination

Brown, Jessica Lynn: APPROVED.

Gonzalez-Mora, Ema: Re-review, APPROVED.

Hlaing, Nini: Denied, IC 25-1-11-5(b) and 820 IAC 4-4-5, possible fraudulent documentation and failure to meet curricular requirements.

La, Thanh: Denied, 820 IAC 4-4-5, failure to meet curricular requirements.

B. By Reciprocity

Bui, Minh Tru: Tabled, pending proof of education from Thailand.

Phan, Tram: APPROVED.

Zhai, Dongping: Denied, IC 25-8-4-2(a)(2), not substantially equal.

C. By Provisional

Ha, Thao Thi D.: Denied, IC 25-1-11-5(b), possible fraudulent documentation.

Pham, Tran Phong: Denied, IC 25-1-11-5(b), possible fraudulent documentation.

Vu, Hoa Thi: Denied, IC 25-8-11-8, insufficient training and experience.

BARBER

A. By Examination

Duarte, Angel Galindo: APPROVED.

Dyersamuel, Abasi: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Howard, Felisha Monique: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Woodcock, Carl W.: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. By Reciprocity

Elbert, Tory Janelle: Denied, IC 25-8-4-2(a)(1), no valid license

Holbrook, Jason Keith: APPROVED.

C. By Provisional

Keshani, Naeim: APPROVED.

BEAUTY CULTURE INSTRUCTOR

A. By Examination

House, Melissa J.: APPROVED.

B. By Reciprocity

Komers, Amelia M.: Denied, IC 25-8-4-2(a)(2), not substantially equal.

FACILITY APPLICATIONS

A. Beauty Culture Salon

Angel's Nails: 5884 US Highway 6, Portage, IN 46368: Denied, failed inspection.

D and D Nails, 1911 North Main Street, Rushville, IN 46173: Previous discipline: TABLED, pending inspection.

Franklin Street Barbers, LLC, Owner: Joseph Winski: APPROVED.

Fresh and Faded Barber & Beauty: Owner: Ajaye Fowler: Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year.

Happy Nails, 1617 West McClain Avenue, Scottsburg, IN 47170: Previous discipline & failed inspection: Denied, failed inspection.

OK Nails, 1111 East Ireland Road, South Bend, IN 46614: Previous discipline: APPROVED.

Serenity Spa & Boutique LLC: 3501 North Granville Ave, M06, Muncie, IN 47303: APPROVED.

Timm's Shop: Owner Melissa Fiscus: Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year.

ADJOURNMENT

The meeting adjourned at 6:37 pm.